

Gerawan workers protest outside Court of Appeal in Fresno

By Robert
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Three women identifying themselves as Gerawan workers, Maria Gonzalez, left, Maria Garcia, center, and Carmen Lopez, right, join about 300 people who rallied outside the 5th District Court of Appeal against union representation Tuesday afternoon, April 14, 2015 in Fresno, Calif. ERIC PAUL ZAMORA — THE FRESNO BEE |[Buy Photo](#)

- Gerawan Farming company workers rally in downtown Fresno Tuesday to demand the state count the ballots in a disputed election to remove the United Farm Workers union.
- At stake in the dispute is the representation of about 3,000 workers.
- Gerawan Farming is hoping the 5th District Court of Appeal will rule in its favor and determine the state's mandatory mediation process is unconstitutional.

Several hundred Gerawan Farming workers protested outside the 5th District Court of Appeal in downtown Fresno on Tuesday, angry over nearly a two-year delay in resolving an election that could remove the United Farm Workers as their union.

"We came here today to show the court that we don't want the UFW," said Silvia Lopez, a Gerawan employee. "And we want the union to respect our rights to choose."

Many of the Gerawan workers wore bright blue shirts that read “Pick choice.” Others carried “Count our votes” signs.

The protesters rallied outside the courthouse on Ventura Avenue where Gerawan’s attorneys were trying to convince three appellate judges that the process for settling disputed employee contracts is unconstitutional. If they succeed, they will effectively rid the union from the company, one of the San Joaquin Valley’s largest fruit growers.

At issue is an attempt by the union to represent about 3,000 Gerawan workers nearly 20 years after winning the right to do so. Although both sides began negotiating a new contract in late 2012, the union called for mandatory mediation and conciliation, a state process where a third-party arbitrator decides the terms of the contract.

Although the disputed contract was never implemented, Gerawan workers also won the right to hold an election to decide the union’s fate. The election’s ballots, however, were never counted. Unfair labor practices were filed against the farming company and the dispute became the focus of a nearly a six-month administrative hearing looking into allegations of unfair labor practices and whether to count the ballots.

Gerawan’s attorney, David Schwarz, said the state’s mediation process in Gerawan’s case failed to give the workers the right to choose who will represent them. Schwarz said Gerawan employees tried to take part in the mediation process but were locked out.

Schwarz argued that because the union had been absent for nearly two decades, many of Gerawan’s current employees had little to do with the UFW and were not part of negotiating a new contract.

“Their due process was stripped,” Schwarz said.

The UFW’s attorney, Mario Martinez, said the idea that the decertification effort was led by a grass-roots employee effort is false. Martinez said labor officials investigated several allegations that Gerawan was involved in the effort to get rid of the union.

“This was not a worker-led effort, it was an employer-led effort,” Martinez said.

The appellate justices are expected to issue a decision in the coming weeks.

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